

ORDINANCE 2010- 16

ORDINANCE AMENDING ORDINANCE 2010-8, THE ORDINANCE AMENDING
MILLINGTON MUNICIPAL CODE REGARDING REGULATION OF SIGNS

WHEREAS, the Board of Mayor and Aldermen adopted Ordinance 2010-8, Ordinance Amending Millington Municipal Code Regarding Regulation of Signs, on third and final reading on May 18, 2010 and now desires to amend Ordinance 2010-8 as shown herein; and

WHEREAS, the Board of Mayor and Aldermen, upon recommendation by the Planning Commission, has determined that it is in the best interest of the City and its inhabitants to amend Ordinance 2010-8 by making the additions and deletions thereto as set out herein;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Ordinance 2010-8 be, and the same hereby is deleted in its entirety and replaced with this Ordinance 2010-16, which adopts revisions to new Chapter 21 of Title 14 of the Millington Municipal Code as previously adopted by Ordinance 2010-8.

Title 14, Chapter 21
“SIGN ORDINANCE

Sec. 14-2100. Findings. The Board of Mayor and Aldermen hereby finds as follows:

- A. Exterior signs have a substantial impact on the character and quality of the environment.
- B. Signs provide an important medium through which individuals may convey a variety of messages.
- C. Signs can create traffic hazards and aesthetic concerns and may be detriments to property values, thereby threatening the public health, safety and welfare.
- D. The City’s zoning regulations have for many years included the regulation of signs, and such regulations are now set out in Section 14-1202 of the City’s zoning ordinance. Such sign regulations represent the City’s effort to provide adequate means of expression and to promote economic viability of businesses within the community, while at the same time providing protection from proliferation of signs of a type, size, location and character that would adversely impact the City and its inhabitants.

Sec. 14-2101. Purposes. This chapter is adopted for the following purposes:

- A. To attract and direct various activities and enterprises in order to provide for maximum public convenience;
- B. To provide for a reasonable system of control of signs;
- C. To encourage signs that are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship and spacing;
- D. To encourage a desirable urban characteristic that has a minimum of overhead clutter;

- E. To enhance the economic value of the community and each area thereof through the regulation of such things as size, location, design and illumination of signs;
- F. To encourage signs that are compatible with adjacent land use;
- G. To reduce possible traffic and safety hazards through good signage;
- H. To relate sign area and height to viewing distance and optical characteristics of the eye.

Sec. 14-2102. Definitions. Any words and phrases not defined in this chapter but defined in Chapter 5 of Title 14 shall have the meanings set out in such other Chapter. All other words and phrases shall be given their common, ordinary meanings, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of these regulations. Tables and illustrations included in these regulations shall be used in interpreting the relevant provisions, but where the text conflicts with a table or illustration, the text shall control.

Abandoned sign. A sign that no longer correctly directs or exhorts any person, or advertises a bona fide business, lessor, owner, project or activity conducted or product available, event or activity on the premises where the sign is displayed. See Section 14-2111 D for the time period after which a sign will be deemed abandoned.

Advertising sign. A sign containing an implicit or explicit commercial message directing attention to a business, profession commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained, including but not limited to billboard signs.

Alteration. Any change in materials, size, height, shape, design of a sign.

Animated sign. An animated sign is one in which displays one or more pictures or icons that moves or changes shape or a sign any portion of which physically moves. For example, a sign on which the copy contains a picture of a dog standing still, which picture changes to a dog running, or a sign which has the form of a person, and the person's arms raise and lower, is an animated sign. For purposes of this chapter, the term "animated sign" does not refer to flashing or changeable copy signs, either manual or automatic, which are separately defined.

Awning. A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and that may be periodically retracted to the face of the building.

Awning sign. A sign that is attached to or that is part of an awning.

Banner

Any streamer, flag-like pennant or other like object, whether made of fabric or of other materials which, with or without insignia, attracts the attention of persons to a location, business or event. For purposes of this ordinance, a flag representing a governmental entity is not a banner.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source, or any light with one or more beams that rotate or move.

Bench Sign. A sign located on the seat of back of a bench or seat placed on or adjacent to a public right-of-way.

Billboard sign. A panel for the display of advertisements in public places, such as alongside highways or on the sides of buildings.

Building face or wall. All window and wall areas of a building in one plane or elevation.

Business sign. A sign that directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered upon the same lot where the sign is located.

Canopy. See “Awning sign.”

Changeable Copy Sign (Manual). A sign on which copy is changed manually; for example, reader boards with changeable letters or changeable pictorial panels. All changeable copy shall be included within the allotted face of sign square footage and enclosed under a locked and vandal-proof case not reachable by pedestrians.

Changing Sign (Automatic). A sign such as an electronically or electrically controlled sign, message center or reader board, where different copy changes are shown on the same lamp bank. Changing signs, if illuminated, shall be illuminated with a single, constant light color. Copy for a changing sign (automatic) shall include only alpha-numeric text and shall not include logos, graphics, pictures or other images. The copy for a changing sign (automatic) shall change not less than every 5 seconds. Changing copy shall not cover more than 50% of the sign face.

Church. A building, together with its accessory buildings and uses, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Civic or Club Sign. A sign that identifies a governmental, nonprofit institution or organization qualified as tax exempt under Section 501 (c)(3) or other provision of the Internal Revenue Code, on whose premises it is located and that contains:

- a. The name of the institution or organization;
- b. Street address
- c. Greetings, announcements of events or activities occurring at the institution or similar messages.

Combination sign. A sign incorporating any combination of the features of pole, projecting and roof signs.

Commercial message. Any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

Construction sign. A temporary sign erected on the premises on which construction is taking place, during the period of construction, and indicating the names of the architects, contractors, owners, financial supporters, sponsors and other similar persons or firms involved with the construction and development of the project.

Copy. The words, graphics and/or pictures on a sign surface.

Development sign. A temporary sign, relating to the promotion of the sale or rental of a new development or subdivision being constructed on the site upon which the sign is located, or located and containing information and directions to a new development or subdivision.

Dilapidated sign. A sign that is structurally unsound, has defective parts or is in need of painting or other maintenance.

Display sign area. The area made available by the sign structure for the purpose of displaying and advertising message.

Electric sign. A sign containing electrical wiring, but not including signs illuminated by an exterior light source.

Exterior directory sign. An exterior sign containing the building identification and address and the name and location of each tenant and allowed in any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign.

Fixed balloon. Any lighter than air or gas-filled inflatable object attached by a tether to a fixed place used as a means of directing attention to a business, profession, or to a commodity or service sold, offered or manufactured, or to any entertainment or event.

Flashing sign. Any sign that contains an intermittent or flashing light source, or that includes the illusion of intermittent or flashing light, by means of animation, changes in the degree of light intensity, an externally mounted intermittent light source or reflective metal strips.

Ground sign. A sign mounted at ground level, the bottom faces of which shall be a minimum of 24 inches from the surrounding grade.

Historic sign. A sign that carries historic significance, historic character or reflects a certain time period or era.

Instructional sign. A sign solely conveying instructions intended strictly for the direction, safety and convenience of the public with respect to the premises on which it is maintained, such as a sign that designates the entrance to or exit from a parking area, or a sign that identifies restrooms, a “no trespassing” sign, a danger sign and other similar signs.

Integrated Center Sign. An on premise sign which identifies the name of an integrated retail, office or industrial center and/or the businesses within the center which may or may not be in the same building.

Logo. The graphic or pictorial presentation of a message, including but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.

Nonconforming sign (legal). A sign that does not comply with the provisions of this chapter, but that was in compliance in all respects, including the obtaining of any required permit, with the Sign Ordinance of the City of Millington in effect at the time of its erection.

Nonconforming sign (illegal). A sign that does not comply with the provisions of this chapter and that was not in compliance with the Sign Ordinance of the City of Millington in effect at the time of its erection or with the conditions and provisions of a variance from such regulations lawfully granted at such time.

Off-premises sign. A sign that identifies or communicates a message related to an activity conducted, a service rendered or a commodity sold, which is not the primary activity, service or commodity provided on the property where the sign is located; any sign allowed as an off-premises sign must have the written approval of the owner of the property upon which the sign is to be located prior to consideration of approval and placement of the sign.

On premise sign. A sign that identifies or communicates a message related to an activity conducted, a service rendered or a commodity sold, which is the primary activity, service or commodity provided on the property where the sign is located.

Permanent sign. Any sign that is intended for other than temporary use for a limited period of time. A permanent sign is generally affixed or attached to the exterior of a building, or to a pole or other structure, by adhesive or mechanical means, or is otherwise characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

Pole, Post or Pylon sign. An on-premise freestanding sign that is supported by one or more uprights upon the ground, exceeding ten (10) feet in height. Pylon signs may have display boards for messaging provided that the light is of a single, constant color, non-flashing, non-animated and is less than 20% of the total allowed sign area. Messaging may change content and shall be no more than ten (10) seconds apart.

Political sign. A temporary sign erected to publish the name of a candidate, solicit or enlist votes in any official public election or a sign which states a position regarding a public or political issue or similar purpose.

Portable sign. A sign not permanently affixed to the ground or any structure, and designed or intended to be readily relocated including signs in or being transported in or on a vehicle and signs being held and/or transported by pedestrians who have been hired to display, present or promote advertisement

Project sign. A sign solely consisting of numbers and/or letters erected to display the identity of three or more occupants in a single building, business or office complex.

Projecting sign. A sign, which projects or extends outward from a wall or building, such that two or more sides of the sign are visible.

Real estate sign. A temporary sign used to announce or display the offer for sale of real property, which sign is erected on the property for sale.

Roof sign. A sign that is erected upon or above a roof or parapet of a building or structure.

Sign. Any letter, figure, character, mark, plan, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, whatsoever, which is displayed in any manner outdoors. Every sign shall be classified and conform to the requirements of that classification.

Sign face. The entire area of a sign on which copy can be placed. On a double faced sign, the area of only one face is included to determine the square footage of the sign face.

Sign structure. Any structure that supports, has supported, or is capable of supporting a sign, including any decorative cover for the sign structure. This definition does not include a building, fence, wall or earthen berm.

Street banner. A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame affixed to streetlight or utility pole and utilized by the city to promote a specific event, district or holiday.

Subdivision entrance sign. Any on-site sign, masonry wall, landscaping or similar materials or features, which separately or together form a display for identifying the subdivision, provided that the legend of the sign shall consist only of the name of the subdivision.

Temporary sign. A sign neither intended nor designed for permanent display. A sign not permanently affixed to the ground or any structure, and designed or intended to be utilized for a designated or permitted period of time except as otherwise stated herein.

Trailer. A cart, wagon or other similar wheeled conveyance, either enclosed or unenclosed, which is designed to provide a means of transporting property or persons. A trailer lacks the independent power to move from place to place, but is moved by being pulled, attached, hitched or otherwise connected to a motor vehicle or other separate power source.

Vehicle. A wheeled automobile, truck, bus or other similar conveyance, which has its own source of power to move from place to place, which is generally used for transport of persons or property, and which is required by state law to be registered and licensed.

Vehicle sign. A sign that is magnetically or structurally attached to, or that is painted on a vehicle, the principal purpose of which sign is to attract attention to a product sold or a business, entertainment or other activity.

Video sign. A sign that contains moving or changing pictures or images.

Wall sign. Any sign attached flat on a wall or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Window sign (permanent). A sign painted on or otherwise permanently affixed to a window and which is included within the amount of permanent signage allowed by this Chapter for the property on which it is located.

Window sign (temporary). A sign temporarily affixed to or placed within a window and which is not included within the amount of permanent signage allowed by this Chapter for the property on which it is located, but is allowed only on a temporary or conditional basis.

Work of art. An object, painting, sculpture, picture or other similar artistic rendering that contains no commercial message.

Sec. 14-2103. Computations. The following principles shall control the computation of sign area and sign height.

- A. Computation of area of individual signs, except ground signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest simple geometric shape, or combination of shapes that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- B. Computation of area of ground signs. The area of a ground sign shall include all area of the sign, including logos, emblems, representation, or other display, excluding supporting structure and the required sign base.
- C. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street.
- D. Building frontage.
 1. Building frontage shall mean: (a) the horizontal length measured from the side of a building parallel to the street frontage of the heated and enclosed structure upon a premises, not including out-buildings or appurtenant structures, or (b) the horizontal length of a building on the side with its principal entrance, whichever is greater.

2. If that side is a straight wall, then the building frontage shall be the length of the wall. If the side is not a straight wall, the building frontage shall be the horizontal distance from the corner at one end of the side of the building with the principal entrance to the other corner on the same side of the building; where that side of the building is concave, then the measurement shall be made in a straight line from corner to corner; where the side of the building is convex or has one or more sections that project in front of the front corners, then the measurement shall be made as the shortest distance between two lines projected from the two front corners of the building, with such lines parallel to each other and as close as practicable to perpendicular to the front of the building.

Sec. 14-2104. Sign Requirements for Office, Commercial and Industrial Districts.

- A. Permitted signs and regulations. The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized in the B-1, B-2, O, M-1, M-2, M-3, PC and MUPD Zoning Districts of the City of Millington except as otherwise provided herein or in other ordinances of the City now existing or hereafter adopted, and subject to Planning Commission approval.
 1. Business signs.
 - a. Each ground floor occupant of a business structure is permitted one business sign facing the street upon which the business fronts. The area of the sign is limited to a maximum of one and one-half square foot of signage for every linear foot of the occupant's building frontage or portion of a linear foot, with a total signage limitation of 150 square feet per business, except as provided herein.
 - b. If two or more businesses share the same space with the same frontage, the signage area shall be the same as in Section 14-2104, A.1.a. above. No additional signage will be allowed. The businesses occupying such space shall agree among themselves as to allocation of the permitted square feet of signage for each.
 - c. If an existing business has installed all or substantially all the signage permitted under this Chapter and then, having received the required permits to do so, erects a permanent wall in order to divide its building into separate sections, with separate entrances, the business that occupies the newly-created section shall be allowed to install additional signage up to 30 square feet in excess of the total signage allowed for the original business in that building. Provided, however, that the allowable signage for any such newly divided separate section in a previously existing building shall not exceed one and one-half square feet of signage for each linear foot of such section's frontage. For example: If the original total allowed signage for the building was 150 square feet, the existing occupant (owner or tenant) has used 150 square feet, and the newly divided space has frontage of 30 linear feet, the newly divided space shall be allowed 30 square feet of signage. If the existing occupant has used only 130 of the allowed 150 square feet of signage, and the newly divided space has frontage of 30 linear feet, the occupant of the newly divided space shall be allowed up to 45 square feet of signage.
 - d. Where a building fronts on more than one street, a sign is allowed facing each street but in no case shall the total square footage of all signage exceed 150 square feet except as otherwise provided herein.
 - e. In those instances where a building frontage is less than 100 linear feet, upon request of the building occupant, the Planning Commission

may increase the maximum square footage allowed for that building may be increased not to exceed 10%.

- f. Business establishments situated on the second or third floors of business structures and having an exterior entrance on the ground floor shall be permitted one wall sign not to exceed four square feet, located adjacent to the exterior entrance.
- g. Signs for hotels, motels and “big box” businesses shall be in sizes and locations as approved by the Planning Commission, but such signs shall not exceed a total of three-hundred (300) square feet in size for all signs or a maximum height of 25 feet. For purposes of this Subsection, a “big box” business shall be one that occupies at least 50,000 square feet of heated space and has a building frontage of at least 200 linear feet.
- h. A business may have a ground sign, wall sign or permanent window sign, subject to the following restrictions:
 - (1) No wall sign shall project above the highest point of the wall or the parapet on the same side of the building as the sign.
 - (2) Ground signs in all districts except M-1, M-2 and M-3 shall be a maximum of 32 square feet in sign area (4 feet in height) and shall be situated at least fifteen (15) feet from the pavement edge or curb of a public street or outside the public right-of-way, whichever is further. The ground sign structure, including base, shall be no more than six (6) feet in height from surrounding grade. Berms or landscaping shall not be allowed for the purpose of elevating signage, except as provided through the site plan review process.
 - (3) In M-1, M-2 and M-3 districts, ground signs shall be a maximum of 64 square feet in sign area (6 feet in height) and shall be situated at least fifteen (15) feet district from the pavement edge or curb of a public street or outside the public right-of-way, whichever is further. The sign structure shall be no more than six (6) feet in height from surrounding grade. Berms or landscaping shall not be allowed for the purpose of elevating signage, except as permitted through the site plan review process.
 - (4) Except as otherwise specifically provided herein, whenever this Chapter allows one or more window signs, either permanent or temporary, the following sign size and window coverage restrictions shall apply:

As provided elsewhere in this Chapter, window signs shall be permitted in B-1, B-2, P-C, O and, as approved by the Planning Commission, MUPD Districts. Window signs shall not occupy more than 25% of total window openings, with no more than 50% of any individual window covered. Window signs shall not be placed in a manner that would impede the sight of people entering or exiting the premises or emergency personnel.

- i. No business sign shall be located closer than two (2) feet from any other business located on the ground floor of the same or adjoining building, and no business sign shall be located closer than two (2) feet in any direction from any other business sign.

2. Civic and Church Signs.

- a. Schools, clubs and non-profit organizations shall be permitted one on-premise sign facing each street upon which such entity's primary office or principal facility fronts. Such signs shall be subject to the same restrictions as provided for business signs with regard to height, location, size and type. The height, location, size and type and landscaping of all proposed school, club and non-profit organization signs shall require review and approval by the Planning Commission.
- b. Each church shall be permitted one on-premise, ground-mounted sign facing each street upon which its principal building fronts. Each church shall also be allowed one wall-mounted sign facing each street upon which it fronts; provided however, a wall sign may designate only the name and/or denomination of the church. Such signs shall be subject to the same requirements provided for business signs with regard to height, location, size and type. The maximum total sign square footage allowed for each church shall be two-hundred-twenty (220) square feet, and no signs shall exceed 25 feet in height. The height, location, size, type and landscaping of all proposed church signs shall require review and approval by the Planning Commission.
- c. Churches, schools, clubs and non-profit organizations shall also be allowed a maximum of two directional signs located off-premises. Such signs shall state the name of the church, school, club or organization and provide a directional arrow. The off-premises signs shall be of no more than two colors (for example, brown with white letters), shall not exceed twenty-five (25) square feet in size and shall not be more than six (6) feet high. Such signs shall not be illuminated. The design, color scheme and placement of such off-premise signs shall be subject to review and approval by the Planning Commission and written approval of the owner of the property on which they are to be placed.

3. Construction and Development Signs.

- a. Construction and development signs shall be permitted, as set out herein, during the course of physical construction under a valid building permit issued by the City of Millington and thereafter as provided below.
- b. Construction signs for business or commercial structures shall not exceed 32 square feet in face area, shall be no greater than eight (8) feet in height, shall be located on the premises where construction is in progress, and shall be no less than 30 feet from the face of curb or edge of pavement. The construction signs provided for in this Subsection shall be permitted to stand during the period of construction and for a period of thirty (30) days after construction is complete. Construction signs in business and commercial districts shall contain, at a minimum, the name of the owner and/or developer and the names and telephone numbers of persons to contact for emergency purposes, purchase or leasing or may contain such other information as required by governmental agencies or lender.
- c. When the construction of a business or commercial project is complete and while lots in a business or commercial subdivision or bays in a multi-occupant project are for sale or lease, there shall be permitted on-premises "for sale" or "for lease" signs of the same size and locations as described in Subsection 4 a and b of this Section 14-2104 until two-thirds (2/3) of the lots or bays, as applicable, have been sold or leased. Thereafter, there shall be permitted on-premises real estate signs for individual lots or bays as provided for in this chapter.

4. Exterior directory signs.

- a. Exterior directory signs shall be allowed in any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign. The purpose of the directory shall be for customer convenience, direction and safety. The number of directories shall be limited to one for each main entrance to the building.
 - b. Directories shall not exceed the following sizes:
 - (1) 12 square feet per face, and total sign face areas shall not exceed 24 square feet when located within 75 feet of any public right-of-way;
 - (2) 25 square feet per face, and total sign face area shall not exceed 50 square feet when located 75 feet or more from any public right-of-way.
 - c. Directories shall be located either behind the main building line or a minimum of 75 feet from any public right-of-way. No exterior directory shall exceed six feet in height as measured from surrounding grade.
 - d. Building identification letters shall not exceed six inches and tenant identification shall not exceed four inches. Each tenant listed shall occupy the same size and shape space.
5. Project signs. In a project or development wherein five or more businesses, tenants or occupants are contained with or without individual street frontage and with a common parking lot and a total square footage of at least 7500 square feet in the project, there shall be permitted, in addition to the allotted square footage heretofore recited, a project sign subject to the following restrictions:
- a. Project signs shall be set back no less than 20 feet from the street right-of-way.
 - b. The height of the project sign shall be determined by the number of occupants as hereinafter provided, but in no instance shall the height exceed 15 feet regardless of the number of occupants;
 - c. The maximum width of the project sign shall be no more than ten (10) feet;
 - d. The sign may be internally lighted, but only with white lighting of such intensity and focus that will not infringe upon neighboring properties or street traffic;
 - d. The base of the project sign must be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the sign, which base area shall be so designed to prevent traverse by vehicular or pedestrian traffic and shall not be more than two feet in height; provided however, in those instances where a sidewalk is located between the sign and the curb, the same shall be accommodated;
 - e.
 - f. The name of the project itself must be located upon the top of the project sign, the name designation to be substantially the same width as the overall sign and of vertical height no more than five feet.
 - g. Every tenant, occupant or business listed upon the project sign shall be entitled to no more than ten square feet per business, and a vertical sign height of no more than one foot, provided that the collective

square footage of the occupant signs shall not exceed 120 square feet and in the event that there are more than 12 tenants, tenants and/or businesses identified, then each shall be entitled to an equal allotment on the project sign;

- h. All project signs shall be ground signs, and the face of the sign shall be located not more than three feet and not less than two feet from surrounding grade and the face shall be rectangular in shape; the final height of the sign to be determined as hereinbefore provided by the number of occupants, it being specifically prohibited to have spaces or gaps between occupant signs and the center designation signs;
 - i. The space between the bottom of the sign face and ground level shall be of solid construction or landscaping to a height not less than two feet;
 - j. The Planning Commission shall approve all project signs prior to the issuing of a sign permit, and such signs are further subject to the general requirements of this chapter.
 - k. The business owner and/or company name shall accompany some portion of allowable signs.
6. Real estate signs. In office, commercial and industrial zoning districts, one ground or wall sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease, provided the sign does not exceed 20 square feet in face of sign area. If not attached to a building, the sign shall not exceed five feet in height and shall be set back no less than 30 feet from the face of curb or edge of pavement. Real estate signs shall be removed within seven days of the closing of the sale, rental or lease of the premises.
7. Special provisions for service stations and convenience stores. A service station or convenience store which is engaged in the retail distribution of petroleum and petroleum products, minor grocery staples and deli or grill foods, in addition to the sign allotment hereinbefore provided, shall be further entitled to the following additional signs:
- a. One non-illuminated permanent price sign per street front, the sign not to exceed two square feet in face area, and located upon the pump island nearest to the street or upon the face of the station building;
 - b. Two non-illuminated self service or full service signs per pump island, the signs not to exceed two square feet in sign area nor to be located at a height more than eight feet from the surrounding grade;
 - c. Signs displaying the federal and state stamps, octane ratings, pump use directions, no smoking signs and other signs as required by federal, state and local law, provided that the accumulated total square footage of same shall not exceed one (1) square foot per pump island;
 - d. Other signs and stamps required by state and federal law, provided same are of size no greater than the minimum requirements of the law and for design, size and lighting is approved by Planning Commission.
8. Signs in Districts. Businesses located in PC Districts shall be allowed on-premise signs with an allowable area of one square foot for each foot of building width, not to exceed 150 square feet. Provided, however, that where there is one single occupancy building, and no other buildings, located on a tract of land in a PC District that is five (5) acres or more in size, the business occupying that building shall be allowed three hundred fifty (350) square feet of signage, plus with approval of the Planning

Commission, an additional fifty (50) square feet of signage for each developed acre in excess of five (5) acres, up to a maximum of five hundred (500) square feet of signage.

- B. Landscape requirements. (1) All signs permitted for uses authorized in the B-1, B-2, O, PC, MUPD, M-1, M-2 and M-3 Zoning Districts of the City of Millington shall be adequately landscaped, as approved by the Planning Commission.

(2) All ground, pole and other signs which are not located in or on a building and which are located in B-1, B-2, O, PC, MUPD, M-1, M-2 and M-3 Zoning Districts or in a residential district (but not on a lot actually used for residential purposes) shall be landscaped in accordance with a landscape plan presented by the applicant and approved by the Planning Commission. Landscape guidelines will be provided with the application for a sign permit. Landscaping installation must be done within thirty (30) days after commencement of installation of the sign.

(3) The site user shall be responsible to keep required landscaping sufficiently watered and trimmed, and failure to do so shall be a violation of this ordinance. If any plants should die, the site user shall be responsible to replace them within thirty (30) days with substantially similar plants.

- C. Planning Commission. In all instances where review of a proposed development by the Planning Commission is a requirement of this chapter or the Zoning Ordinance, or upon a request for installation of a new sign, or where an existing sign is proposed to be changed, the signs planned or proposed to be a permanent part of such development shall be reviewed and approved by the Planning Commission based on the following criteria:

1. the proposed site size and location
2. the proposed sign size and location on the site
3. sign height
4. sign color
5. material construction methods
6. illumination of the sign
7. sign graphics and lettering
8. sign type and style
9. required landscaping

Sec. 14-2105 Requirements for Residential Districts.

- A. Permitted signs and regulations. The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized in all residential zoning districts.

1. Civic, clubs, church and non-profit signs.
 - a. Schools, clubs and non-profit organizations shall be permitted one on-premise sign facing each street upon which such entity's primary office or principal facility fronts. Such signs shall be subject to the same restrictions as provided for business signs with regard to height, location, size and type. The height, location, size and type and landscaping of all proposed school, club, and non-profit organization signs shall require the review and approval of the Planning Commission.
 - b. Each church shall be permitted one on-premise, ground-mounted sign facing each street upon which its principal building fronts. Each church shall also be allowed one wall-mounted sign facing each street

upon which it fronts; provided however, a wall sign may designate only the name and/or denomination of the church. Such signs shall be subject to the same requirements provided for business signs with regard to height, location, size and type. The maximum total sign square footage allowed for each church shall be two-hundred-twenty (220) square feet, and no sign shall exceed 25 feet in height. The height, location, size and type and landscaping of all proposed church signs shall require the review and approval of the Planning Commission.

- c. Churches, schools, clubs and non-profit organizations shall also be allowed a maximum of two directional signs located off-premises. The signs shall state the name of the church, school, club or organization and provide a directional arrow. The off-premises sign shall be of no more than two colors (for example, brown with white letters), shall not exceed twenty-five (25) square feet in size and shall not be more than six feet high. Such signs shall not be illuminated. The design, color scheme and placement of such off-premise signs shall be subject to review and approval by the Planning Commission and written approval of the owner of the property on which they are to be placed.
- d. The maximum size for club and civic organizations shall not be more than 48 square feet in area.

2. Construction signs.

- a. Construction signs within residential districts shall be permitted as set out herein during the course of physical construction under a valid building permit issued by the City of Millington.
- b. Construction signs for single family detached dwellings and duplexes shall be not more than nine (9) square feet in area, shall be set back at least ten feet behind the curb face or edge of pavement, and shall not exceed four (4) feet in height. The construction sign shall be permitted to stand during the period of construction, but not more than seven (7) days after construction is complete.
- c. While a subdivision described in an approved final plat, is under physical construction, and for a period of sixty (60) days after the completion of construction, there shall be permitted two temporary off-premises signs giving only the name of and directions to the subdivision, which signs shall be no more than sixteen (16) feet in area. The owner may choose to use a single off-premises development sign, in which case the total square footage of 32 square feet shall be permitted for such sign, with a height of no more than six feet. For purposes of this section, "construction" shall mean construction of the subdivision infrastructure (grading, sewers, water lines, streets, etc.) and shall not mean construction of individual houses within the subdivision.
- d. Both on-premises and off-premises development signs shall require the approval of the Planning Commission as to location, set back and design as provided hereinafter.

3. Development Signs. When the infrastructure construction of a new residential subdivision is complete and lots or houses are for sale, there shall be permitted signs of the same size and locations described in Subsection 2 of this Section 14-2105 until two-thirds (2/3) of the lots within the subdivision have been sold. Thereafter, there shall be permitted real estate signs for individual lots or houses as provided for in this chapter.

4. Multi-family project identification signs.

- a. All multi-family projects, apartment complexes and/or condominiums with four or more units shall be permitted one externally lighted ground or wall sign for identification; provided however, if the project fronts on more than one arterial and/or collector street, then one additional multi family project identification sign shall be permitted at a major entrance that is located on the additional street frontage. The sign face area of each sign shall not exceed 36 square feet. The height of any ground sign shall not exceed six feet.
 - b. Setback requirements for ground signs for multi family developments shall be as follows:
 - (1) If the building is set back 40 feet or less from the street right-of-way, then the sign shall be placed within ten feet of the front face of the building;
 - (2) If the set back is greater than 40 feet from the street right-of-way, then the sign shall be no less than 30 feet from the street right-of-way;
 - (3) The set back requirements may be reduced by the Development Director or the Planning Commission as provided hereinafter if the sign is three feet or less in height.
5. Real estate signs. In all residential districts, one temporary ground sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease. The sign shall not exceed dimensions of two feet by three feet, with a total maximum sign face area of six square feet per face, with a maximum of two faces on a single plane of material. The maximum height of the sign shall be five feet, and the sign shall be set back not less than 15 feet from the curb face or edge of pavement.
6. Subdivision entrance signs. In single family detached residential developments, a subdivision as defined by a duly recorded subdivision plat, there shall be permitted a subdivision entrance sign at the intersection of every major arterial or collector street within the subdivision. The subdivision entrance signs shall be permanent and approved ground signs, shall contain only the name of the subdivision, shall not exceed 25 square feet of the sign face area, shall be set back no less than 20 feet from the face of the curb or edge of pavement of the main street of the subdivision and shall be approved by the Planning Commission. The setback requirements may be reduced by Planning Commission as provided hereafter, provided the height of the structure does not exceed three feet above the curb grade,
- B. Landscape requirements. All signs permitted for uses authorized in all residential Zoning Districts of the City of Millington shall be adequately landscaped in accordance with the provisions of the City of Millington landscape requirements and approval by the Planning Commission.
- C. Planning Commission. In all instances where review of a proposed development by the Planning Commission is a requirement of this chapter or the Zoning Ordinance, or upon a request for installation of a new sign, or where an existing sign is proposed to be changed, the signs planned or proposed to be a permanent part of such development shall be reviewed and approved by the Planning Commission, based on the following criteria:
 1. the proposed site size and location
 2. sign size and location on the proposed site
 3. sign height

4. sign color
5. material construction methods
6. illumination of the sign
7. sign graphics and lettering
8. sign type and style
9. required landscaping

D. Special provisions for AG Residential District

1. Allowable signs:
 - a. Signs advertising activities conducted on the property.
 - b. Opening Signs/New Product or Service Signs as regulated in Section 14-2104, A. 3. a and b.
 - c. Signs provided that they are no more than 3 square feet in size and are not illuminated.
 - d. Signs as regulated by Section 14-2105 Requirements for Residential Districts as modified herein;
 - e. Off premise signs as regulated by Section 14-2105. A. 1. c.
2. Prohibited signs.
 - a. Signs advertising home occupations.
 - b. Multi-family project identification signs.
 - c. Illuminated signs except in association with a Subdivision Entrance Sign.
 - d. All signs not expressly permitted by this Section.
3. Size. Signs shall not exceed 50 square feet per face or a total of 150 square feet for all signs on the property.
4. Location.
 - a. Signs shall not be erected within 50 feet of road intersections.
 - b. There shall not be more than three (3) signs per street frontage and shall be spaced a minimum of 200 feet apart.
 - c. Signs shall be located at least 30 feet from the edge of the pavement or back of curb of any road and shall not exceed 12 feet in height.

Sec. 14-2106. Exempt Signs. Except as expressly otherwise provided, the following signs shall be exempt from the requirements of this chapter:

- A. Official public notices and notices posted by public officers in the course of performance of their duties;
- B. Governmental signs for the control or direction of traffic and other regulatory purposes;
- C. Flags or emblems of the United States, the State of Tennessee, Shelby County, the City of Millington, or U.S. military organizations located within the City;
- D. Temporary on-site signs for a period not to exceed 30 days, totaling not over two square feet of surface area on any lot, pertaining to campaigns, drives or events of non-profit civic, philanthropic, educational or religious organizations, Shelby County or private schools located within the City;
- E. Permanent memorial plaques, cornerstones, historical tables and the like installed by the United States, the State of Tennessee, Shelby County, the City of Millington, U.S. military organizations located within the City, or organizations that are tax exempt under Section 501(c)(3) of the Internal Revenue Code;
- F. Signs not visible from off the lot upon which they are situated;
- G. Signs posted in conjunction with door bells or mailboxes, none exceeding 36 square inches in surface area;

- H. Small, non-illuminated instructional signs, not exceeding one and one-half square feet in surface area, containing messages such as “entrance” or “exit,” “watch your step,” “low overhang” and the like;
- I. Address signs, not more than one for each main street frontage of each principal use on a lot, and not exceeding 72 square inches in surface area, showing only the numerical address designations of the premises upon which they are situated. All address signs shall be designed to facilitate emergency identification for fire department and other public service employees;
- J. Decals, numerals, names, addresses, hours, credit information and the like attached to doors or windows and all of which occupy a total area of one square foot or less;
- K. Yard sale signs, provided that no yard sale sign shall not be displayed for more than 5 days and shall be removed by the owner within 1 day of close of sale and is subject to penalties as set for in Section 14-2114.
- L. Political signs are exempt from the provisions of this Chapter, provided they meet the following guidelines:
 - 1. Signs promoting the election of a political candidate are allowed to be installed on both vacant and occupied private property, with the property owner’s prior consent, or within the public right-of- way, provided they are located 10’ from the edge of pavement or curb. Such signs are not allowed to be installed within the median of a road, street or highway. Such signs may not be installed more than thirty (30) days before the first day of early voting in an election and shall be removed within twenty-four (24) hours after the conclusion of the election (including runoffs).
 - 2. Political signs shall be ground mounted and are limited in size and structure to no more than three feet from the ground to the highest point of the sign unless placed in a window of a building, provided that the total sign face area is not more than 25% of the window.
 - 3. Political signs are specifically not allowed on utility poles, traffic signs, street name signs, fences and sidewalks, subdivision entrance signs, common open space areas, schools or parks. Further, political signs are not allowed in the median strips of streets or at any location that would obstruct visibility for traffic or pedestrians.
- M. Works of art with no commercial message.
- N. Signs painted on or affixed to bodies of vehicles and trailers and not prohibited by § 14-2108.
- O. Holiday lighting, including strips or strings of lights outlining roof lines, doors, window, wall edges, or other architectural features of a house or other building, displayed between Halloween and New Year’s Day of each calendar year.
- P. Temporary window signs inside of business windows, provided that combination of any permanent window signs and temporary window signs for any business shall not exceed the provisions of Section 14-2104 A. 4. h. (4)

Sec. 14-2107. Nonconforming Signs.

- A. Intent. Signs which were legally in existence prior to the adoption of this chapter, but which do not conform to the provisions of this Subchapter, are declared to be nonconforming signs. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of

nonconforming signs is as much a subject of health, safety and welfare as is the prohibition of new signs that would violate the provisions of this chapter. It is also the intent of this section that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.

B. General nonconforming sign provisions. Subject to the exceptions hereinafter set forth, any nonconforming signs may continue to exist after the effective date of this chapter, provided that subject to T.C.A. Sec. 13-7- 208, nonconforming signs shall not be:

1. Changed to, or replaced with, another nonconforming sign;
2. Expanded;
3. Relocated, reoriented, or repositioned;
4. Modified in any way that would increase the degree of nonconformity of such sign.

C. Improvements. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the City's Building Official.

D. Replacement or modification of or repair to nonconforming sign. Any replacement or modification of, or repair to, a nonconforming sign, except as permitted by, and in accordance with, T.C.A. Sec. 13-7-208 and this Chapter, shall render the prior permit void and shall result in the reclassification of such sign as a prohibited sign pursuant to § 14-2108.

E. If the use of any property changes, any signs located on that property must be brought into compliance with this Chapter.

Sec. 14-2108 Prohibited Signs.

A. General. Except as otherwise permitted by this chapter, the following signs shall be prohibited:

1. Animated signs, except for signs showing only the name of the sponsor of the sign, time and temperature, or sign operated by a governmental entity.
2. Flashing signs.
3. Strips or strings of lights outlining property lines, sales areas, roof lines, doors, window, wall edges or other architectural features of a building except as permitted in Section 14-2106 O.
4. Signs on public property or rights-of-way, other than those erected at the direction or with the permission of a public authority having jurisdiction of such property.
5. Signs which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to portable signs and awning signs; provided however, that temporary signs specifically allowed under this chapter shall be exempt from this prohibition.
6. Signs being carried, worn or otherwise displayed by pedestrians representing a business. Costumes associated with brand of a company are allowed on the same property of the business (not within the right-of-way) as long as the person in costume is not carrying, wearing or displaying a sign.

7. Signs with moving parts or flashing or blinking lights.
8. Video signs
9. Balloon or streamers
10. Except as expressly allowed by this Chapter, any sign on public property except for bench signs, traffic control or dealing with life safety issues. Such sign shall be deemed forfeitable and the City has the right to remove them without liability to the sign owner or other person who placed such signs.
11. Signs visible from a public right-of-way that use the word “stop” or “danger” or otherwise present or imply the need or requirement of stopping, caution, the existence of danger or which for any reason are likely to be confused with any sign displayed or authorized by a public authority.
12. Signs that blend with or can be confused with traffic signals.
13. Signs that contain reflective materials.
14. Signs that exhibit more than two faces; provided, further, no double face signs shall be permitted if the distance between the back of the faces is at any point greater than 12 inches.
15. Billboard signs.
16. Signs that contain words or pictures of an obscene, indecent or immoral character which could offend public morals or decency.
17. Beacon lights.
18. Signs that are structurally unsound or that are rendered structurally sound by guy wires or unapproved facing or bracing.
19. Signs that obstruct safe and free ingress or egress through a required door, window, fire escape or other exit way.
20. Signs, interior and exterior, attached to, suspended from, supported by, placed within, painted on, or in any other fashion affixed on the body of any vehicle or trailer and which are visible from any street or public place, including signs placed in or being carried in the cargo area of a vehicle or trailer, such as truck beds, open trailers, etc., for the purpose of display or advertising.

Provided, however, this prohibition shall not apply to (a) signs painted on or affixed to the body, but not the windows, of a vehicle which bears current state license tags, or a trailer, which vehicle or trailer is regularly used in the transport of goods or persons, and which signs identify the owner of the trailer or the principal business, products or services of the owner; (b) bumper plate signs not larger than the size of an official license plate, but not including any sign indicating the vehicle or trailer is for sale or listing means of contacting the owner; and (c) signs which are required to be affixed to vehicles or trailers by any state, federal or local regulations.

Notwithstanding the foregoing, the owner of a vehicle or trailer who is not regularly engaged in the business of selling such items may affix a sign to any part of such vehicle or trailer indicating that same is for sale, and such shall be a permitted sign when the vehicle is being used for driving or

parked incident to ordinary use by the vehicle owner. Established motor vehicle dealers with City business licenses may place signs advertising that such vehicles are for sale within the interior of vehicles located at such dealers' regular places of business.

21. Pole, post or pylon signs, except as approved by the Planning Commission.
22. Signs installed, erected, enlarged or structurally altered in violation of the provisions of this chapter.
23. Roof signs.
24. Changeable copy signs (manual and automatic), except as such signs are defined in Section 14-2102.
25. All signs that are not expressly permitted by, or are made illegal by, this chapter or any other ordinance of the City of Millington.
26. Canopies with backlighting shall not be allowed.
27. No sign or advertising structure shall be approved which seeks to advertise a product or business not directly related to the commercial location on which the sign or advertising structure is proposed to be erected or located, except as expressly permitted elsewhere in this chapter.
28. Portable signs held by or attached to clothing or costumes.
29. Non-sign displays, such as figurines, symbols or logos identified with products sold or used to gain public attention, including but not limited to inflatables.

B. Portable and flashing signs.

1. Due to the manifest traffic safety hazards, the use of portable and/or flashing signs, with or without changeable copy board attached, are declared a public nuisance and therefore prohibited by this chapter.
2. Upon written notice by the City to the owner, user or lessee of a flashing sign, such sign shall be removed immediately. Upon failure to comply with this notice, the Building Official shall cite the sign owner or lessee into the City Court. If found in violation, the owner shall be responsible for all costs incurred in removing sign, in addition to any court assessed fees and penalties.

Section 14-2109 Temporary and Conditional signs

A. Permits Required. Except as expressly set out herein, all temporary and conditional business signs must be permitted by the City of Millington and the required permit fee must be paid prior to their installation. Permits shall not be required for temporary window signs, and there shall be no permit fees required for such signs.

B. Churches, Civic Organizations, etc. Banners for churches, Bible Schools, or other religious or civic group and special activities are allowed provided they are restricted to a 14 day maximum display time for each special activity or event. Permits will be required for such banners, but no fee will be due.

C. Opening Signs/New Product or Service Signs.

1. Notwithstanding other provisions of this Chapter, a newly established, substantially expanded in floor area (20% or more) or relocated commercial business, in addition to the sign allotment specified above,

may for a period of 30 days display one on-site banner, temporary ground, window or wall sign per street frontage. Each allowed sign shall not exceed 30 square feet in face area. Ground signs shall not exceed six feet in height and shall be set back from the curb face or edge of pavement no less than 30 feet.

2. Notwithstanding other provisions of this Chapter, in addition to its lawfully permitted existing sign(s), an established business may have one on-site banner, ground, window or wall sign per street frontage to advertise a new product or service, which may be in place for not more than fifteen (15) days. No business shall be allowed more than two temporary new product or service signs per year. Such signs shall comply with the requirements of this chapter as to size and location.

D. Construction signs. While a subdivision described in an approved final plat, is under physical construction, and for a period of sixty (60) days after the completion of construction, there shall be permitted two temporary off-premises signs giving only the name of and directions to the subdivision, which signs shall be no more than sixteen (16) feet in area. The owner may choose to use a single off-premises development sign, in which case the total square footage of 32 square feet shall be permitted for such sign, with a height of no more than six feet. For purposes of this section, “construction” shall mean construction of the subdivision infrastructure (grading, sewers, water lines, streets, etc.) and shall not mean construction of individual houses within the subdivision.

E. Requirements for banners. Whenever under this Chapter a banner is allowed, the following requirements shall apply:

1. Each allowed banner may be one- or two-sided and must be on the same lot or parcel as the business which is entitled to erect or install such banner. For stand-alone buildings, the banner may be up to 3 feet by 10 feet in size, not to exceed 30 square feet. For buildings that are part of a multi-tenant commercial complex or strip center, the banner may be up to 3 feet by 5 feet in size, not to exceed 15 square feet. No business may have more than one banner, and no off-site banners shall be allowed. Each banner erected under the provisions of this Ordinance must be at least fifteen (15) feet behind the established street right of way.
2. In addition to the size limitations, each banner permitted under this Chapter must meet the following requirements: (a) it must be made of flexible vinyl or corrugated plastic; (b) it must have a white background; (c) all print must be in primary colors or black; (d) it must contain only letters and/or numbers, no pictures or images; and (e) it must be properly secured at all times, so that it does not hang loose or flap in the wind. Each banner must advertise a special sale, promotion or event, and not just the name and other identifying information of a business.
3. Before hanging or installing such a banner, the business owner or operator must secure a permit from the City of Millington Department of Planning and Economic Development.
4. Any banner erected under the provisions of this Chapter must be neat and professional-looking, must not be installed on in-ground steel poles or pipes; and must not be composed of plywood signs nailed together. Banners permitted by this Ordinance may be installed by attachment to landscape timbers, as secured in-ground posts; or may be attached between existing building columns, provided the view or passage of pedestrians is not obstructed; or may be attached to building walls or

fascia. Banners may be affixed to existing permitted signs and/or sign posts. No banner erected under the provisions of this Chapter shall be attached to one or more motor vehicles, or interfere with or block another entity's business sign, or obstruct the safe line of sight for drivers or pedestrians. The proposed placement of all banners will be reviewed for safety and compliance with this Chapter by the City of Millington Department of Planning and Economic Development, and the person or business who proposes to erect or install any banner shall comply with the decision of said Department.

5. Any banner which becomes loose, torn, ripped or otherwise in a dilapidated condition must be immediately repaired, replaced or removed. Any banner which advertises a business that is no longer in operation must be immediately removed.
6. If there is any banner that has not been removed (or if applicable under Paragraph 5 above, repaired or replaced) within five (5) days after the City delivers notice to the business advertised by such banner that such banner is loose, torn, ripped or otherwise in a dilapidated condition, or that is otherwise not in compliance with this Chapter, or if there is any banner that, without the need for notice from the City, has not been removed by the business owner/operator within five (5) days after expiration of the term of the variance granted herein, the City shall have the right to remove and destroy or dispose of any such banner and charge the business for the cost of removal, and in addition, at the City's option, to cite the business owner for violation of this Chapter. Each day after delivery of notice, or after expiration of the term of this variance and without notice, that a violation continues shall constitute a separate offense and shall subject the owner of the business advertised by the banner to a fine of up to \$50.00 per day in addition to the City's cost of removal.

Sec. 14-2110. Illumination. Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zone.

- A. The light from or from any illuminated sign shall be so shaded, shielded or directed that intensity will not be objectionable to surrounding areas, as approved by the Planning Commission.
- B. No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.
- C. No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic-control or traffic safety devices.
- D. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- E. Exposed bulbs shall not be used on the exterior surface of any sign, except when approved by the Planning Commission.
- F. Neon signs shall not be permitted as building signs, ground signs or as window signs.

Sec. 14-2111. Structural Requirements.

All signs constructed or placed within the City must comply with all current Building Codes adopted by the City. An electrical permit must be obtained for installation of any sign requiring electrical service or connection.

Sec. 14-2112. Inspection, Removal and Safety.

- A. Annual inspection. The City of Millington Building Official shall make an annual inspection for each permanent business sign displayed in the City to ensure compliance with the provisions of this chapter.
- B. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. Signs not properly maintained shall be deemed in violation of this chapter.
- C. Removal of sign. The City shall give ten days written notice for the removal of any permanent sign erected or maintained in violation of this chapter. Upon failure to comply with this notice, the City shall issue a summons to the owner into City Court. Temporary signs erected or maintained in violation of this chapter may be removed by the City without notice. The City shall remove any sign immediately and without notice if the sign presents an immediate threat to the health, safety, or welfare of the public. Any sign removal shall be at the expense of the owner of the property on which the sign is located.
- D. Obsolete and abandoned signs.
 - 1. Any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or that has not been in existence or use for 30 days, or any sign structure that no longer displays any sign copy for a like period of time, shall be deemed to be obsolete or abandoned.
 - 2. Permanent signs applicable to a business whose operations are temporarily suspended because of a change of ownership or management shall not be deemed abandoned or obsolete unless the property remains vacant for a period of 30 days.
 - 3. Obsolete or abandoned signs are prohibited and shall be removed by the owner of the property, his or her agent or person having the beneficial use of the building or site upon which such sign or sign structure is erected within 30 days after written notification from the City. The wall or face of the building on which the sign(s) was attached shall be repaired or resurfaced, including paint, to restore the wall or face to its original condition prior to installation of the sign(s).
 - 4. In the event of noncompliance with the aforesaid terms and provisions, the City shall have the authority to issue a citation or court summons to the sign owner and/or lessee into City Court.

Sec. 14-2113. Old Town.

- A. Old Town District Commission/Design Review Committee. Signs on property within the Old Town District must be reviewed and approved by the Old Town District Commission or, if established by the Board of Mayor and Aldermen, the Old Town Design Review Committee, except that the Director of Economic Development and Planning may approve the relocation of a sign provided it conforms to this ordinance or prior sign ordinance from one property to another in the Old Town District.
- B. All signs located within the official Old Town District of the City of Millington, with the exception of exempt signs per this chapter, are allowed only after the approval of a certificate of appropriateness is granted by the Millington Old Town District Commission or, if established, the Old Town Design Review Committee; provided, however, that with respect to the relocation of an existing sign in the Millington Old Town District to another building also located within such District, the applicant may seek the approval of same by the Director of Economic Development and Planning (“DEDP”). If relocation of an existing sign is

disapproved by the DEDP, the applicant may seek the approval of the Old Town District Commission or, if established, the Old Town Design Review Committee. This review by either the Old Town District Commission/Design Review Committee or the Director of Economic Development and Planning, as applicable, is in lieu of Planning Commission approval. Signs within the Old Town District are permitted by and in accordance with the Old Town District Ordinance and Old Town District Guidelines and are subject to permit fees established by ordinance.

Sec. 14-2114. Permits and Fees.

A. Permit and fee requirements.

1. **Sign and Electrical Permits Required.** All permanent signs allowed under this chapter, and such other signs for which a permit is expressly required by this chapter, including existing signs, but except signs that are exempt under Section 14-2106, shall require a sign permit and, if applicable, an electrical permit. An electrical permit as required shall be obtained at the same time as the sign permit.
2. **No Alteration, etc., Without Permits.** No sign shall be erected, altered or relocated without a sign permit and, if applicable, an electrical permit, except as otherwise provided herein.

B. Applications. The sign permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawing showing the design, location, materials, finishes and colors of the sign, and such other pertinent information as the City may require to ensure compliance with this Subchapter and other requirements of the City. Applications shall be on forms provided by the City.

C. Sign Permit Fees.

1. The permit fee for each sign allowed under the requirements of this Subchapter shall be fixed from time to time by the Board of Mayor and Aldermen. Except as expressly set out herein, sign permit fees in existence as of the effective date of this Chapter shall remain in effect.
 - a. A property owner, business occupant, or organization allowed more than one sign shall obtain a separate sign permit and, if required, electrical permit for each sign.
 - b. A sign permit shall not be required for cleaning, repainting or other customary maintenance performed periodically to a properly permitted sign.
2. For any sign with internal or external lighting, including ground lighting, the City shall require an electric permit and inspections pursuant to the provisions of the Electrical Code, as adopted by the City of Millington.
3. These fees shall not be levied against signs classified as follows:

Special service station signs
Civic and church signs
Real estate signs
Exempt signs
Temporary window signs

- 4, The permit fee for any temporary sign, including banners, shall be \$25.00 until such amount is changed by ordinance.

- D. Permit Null and Void. A sign permit shall become null and void if;
1. The work for which the permit was issued has not been completed within a period of six months after the date of issuance of the permit;
 2. The sign varies in any respect from either the approved design or the approved location.

Sec. 14-2115. Administration and Penalties.

- A. Enforcement. The Department of Economic Development and Planning, Development Services, or other departments or officers of the City designated from time to time by the Board of Mayor and Aldermen, is authorized and directed to enforce all the provisions of this chapter. Upon presentation of proper credentials, the Director of Economic Development and Planning or such Director's duly authorized representative, such as the Codes Enforcement Officer, may enter at reasonable times any building, structure or premises in the City of Millington to perform any duty imposed upon him or her by this Subchapter.
- B. Appeals from administrative decisions. The Board of Zoning Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Department of Economic Development and Planning or any other official charged with the responsibility of enforcing the provisions of this chapter, whereby it is alleged in writing that such official or a designee is in error or has acted in an arbitrary manner.
- C. Variances.
1. Authority. The Board of Zoning Appeals has the authority to hear and act upon applications for variances to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this Subchapter by reasons of unique shape, topography, or physical features of the property.
 2. Purpose of Variance. The purpose of the variance is to modify the strict application of the specific requirements of this chapter in the case of exceptional irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application would result in practical difficulty or undue hardship which would deprive an owner of the reasonable use of his land. A variance may only be granted if it will not cause substantial detriment to the public good and will not substantially impair the intent of this chapter.
 3. Standards for sign-related variances. The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:
 - a. That the particular physical surrounding shape, topographical or location conditions of the specific property or structure involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Subchapter were carried out.
 - b. That the conditions upon which the petition for a variance is based would not be applicable, generally, to other property or structure in the same general area.
 - c. That the variance will not authorize signs, sign structures or other sign related activities other than those permitted by this Subchapter.
 - d. That financial returns alone shall not be considered a basis for granting a variance.

- e. That the alleged difficulty or hardship has not been created by any person having an interest in the sign, sign structure or property after the effective date of this Subchapter.
 - f. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Subchapter to other similarly situated lands, structures, signs, sign structures or buildings.
 - g. That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure for sign purposes.
 - h. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the sign is located.
 - i. That the proposed variance will not impair an adequate supply of light and/or air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the area.
 - j. The Board of Zoning Appeals may, in accordance with procedures set forth in Chapter 14 of the City zoning ordinance, vary the allowable sign sizes for ground signs or wall mounted signs, not to exceed 10%, provided all the other requirements of this chapter and Chapter 14 are met.
- C. Penalties. Any person, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the maximum amount permitted by Tennessee law. Each day's continuance of a violation shall be considered a separate offense. Each of the owners of any sign, building or premises, or part thereof, where any matter in violation of this Subchapter shall be placed or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

Any person, firm or corporation who violates any provision of this chapter will be issued a citation to be heard in City Court, and upon being found in violation, the penalty is \$50 per day or such greater amount as the Board of Mayor and Alderman shall from time to time determine.

Sec. 14-2116. Severability.

If any section or provision of this Chapter should be declared by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity or enforceability of this chapter as a whole, or any part hereof, other than the part so declared to be invalid or unenforceable.

This Ordinance shall take effect ten (10) days after its final passage, the public welfare requiring it.”